Levisohn Berger LLP 61 Broadway, 32ND Floor New York, New York 10006 (212) 486-7272 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

B.I.G. JEWELRY CO., L.L.C.,

Plaintiff,

٧.

TARGET CORPORATION, AMBRAS
FINE JEWELRY, INC., SAMUEL JEWELERS,
INC., GITANJALI GEMS LTD.,
and JOHN DOES 1-5,

Defendants.

AMENDED COMPLAINT

Civil Action No. Civ. (07 CIV 8245)

ECF

FIRST AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, B.I.G. JEWELRY, CO., L.L.C., by and through its attorneys, complains against Defendants TARGET CORPORATION, ("Target"), AMBRAS FINE JEWELRY, INC., ("Ambras"), GITANJALI GEMS LTD., ("Gitanjali"), SAMUELS JEWELERS, INC., ("Samuels"), and John Does 1-5 (together, "Defendants") as follows:

PARTIES

1. Plaintiff, B.I.G. Jewelry Co., L.L.C. ("Plaintiff" or "BIG"), is a New York corporation having an office at 115 West 30th Street, New York, New York 10001.

- 2. Upon information and belief, Defendant Target is a corporation of the State of Minnesota with its principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403. Upon information and belief, Defendant Target does business at 40 West 225th Street, Bronx, New York 10463 in New York and in this district.
- 3. Upon information and belief, Defendant Ambras is a corporation of the State of New York with its principal place of business at 469 7th Avenue, 7th floor, New York, New York 10018-7605. Upon information and belief, Defendant Ambras does business in New York and in this district.
- 4. Upon information and belief, Defendant Gitanjali is a corporation of the State of New York with its principal place of business at 15 West 47th Street, New York, New York 10036. Upon information and belief, Defendant Gitanjali does business in New York and in this district.
- 5. Upon information and belief, Defendant Samuels is a corporation of the State of Texas with its principal place of business at 2914 Montopolis Drive, Austin TX 78741. Upon information and belief, Defendant Samuels does business in New York and in this district. Upon information and belief, Defendant Gitanjali owns Defendant Samuels.

JURISDICTION AND VENUE

This action arises under the Copyright Laws of the United States, 17 U.S.C. §§ 101, et seq.

- 7. This Court has jurisdiction over the subject matter of this Action pursuant to 28 U.S.C. §1331 and § 1338(a).
- 8 Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) and 28 U.S.C. §1400(a). A substantial part of the events giving rise to the claim occurred in this district and defendants reside in this district within the meaning of 28 USC §§ 1391(b) and (c).

BACKGROUND

Plaintiff's Copyright Registration

- 9 Plaintiff, by assignment, is the owner of U.S. copyright registration VA 825-478 issued with an effective date of registration of December 24, 1996 by the United States Copyright Office for the work titled "BI 3354 (RING, PENDANT, EARRING) for jewelry design (the "Copyrighted Work(s)"). BI 3354 is the same design as BI 4456. The Copyrighted Work contains material wholly original to Plaintiff and constitutes copyrightable subject matter according to the laws of the United States. The Copyrighted Work consists of a sculpted frame with a marquise shape stone. A true copy of the Certificate of Registration is attached hereto as Exhibit 1 and a photograph of BI 3354 is attached to as Exhibit 2...
- 10. Plaintiff applied for a separate copyright registration for the work entitled, "FRAME WITH PEAR STONE" which consists of the same sculpted frame as in Copyright Registration VA 825-478 but with a pear-shaped stone instead of the marquise stone. A true copy of the application and other documents that were

mailed to the Copyright Office regarding the same sculpted frame and pear-shaped stone are attached hereto as Exhibit 3. On August 23, 2007, the Copyright Office refused to register this application on the basis that the substitution of a pear-shaped stone for the marguise stone does not contain a sufficient amount of original authorship. A true copy of the Copyright's Office August 23rd letter is attached hereto as Exhibit 4. Hence, both the marquise and pear versions of the Copyrighted Work are covered by Copyright Registration VA 825-478.

Plaintiff has the right to sue and recover for any and all 11. infringements of said Copyright Registration.

Defendants' Acts of Infringement

- Upon information and belief, Defendant Ambras is in the business of 12... manufacturing and selling jewelry and does business throughout the United States, including in this District
- On information and belief, in or about 2005 Defendant Ambras copied and 13. began to sell and continues to manufacture and sell infringing copies of certain of the Copyrighted Work (the "Infringing Copies") to its customers, among which is Defendant Target and John Does 1-5. Attached hereto as Exhibit 4 are a series of photographs showing a comparison between Plaintiff's Copyrighted Works and the Infringing Copies.
- On information and belief, Defendant Target began in or 14. about 2005 to purchase Infringing Copies from Defendant Ambras and has sold and continues to sell Infringing Copies in the United States and in this jurisdiction.
 - Upon information and belief, Defendant Samuels is in the 15...

business of selling jewelry and does business throughout the United States, including in this District with Ambras. Defendant Samuels buys the Infringing Copies from Ambras. Upon information and belief, Defendant Gitanjali is the parent corporation of Defendant Samuels and substantially contributes to the direction and control of Samuels.

Upon information and belief, Defendant Gitanjali is in the business of 16. manufacturing and selling jewelry and does business throughout the United States, including in this District.

COUNT I **COPYRIGHT INFRINGEMENT**

- Plaintiff restates the allegations set forth in Paragraphs 1-16 above. 17.
- On information and belief, since in or about a date unknown in 2005, 18... Defendant Ambras has infringed Plaintiff's rights to the Copyrighted Works by making and/or selling and/or placing upon the market in this district and elsewhere Infringing Copies, which were copied from and are substantially similar to the Copyrighted Works...
- On information and belief, Defendant Target has purchased from 19. Defendant Ambras Infringing Copies and continues to sell the Infringing Copies to the public and such acts constitute infringement of the Copyrighted Works.
 - On January 2, 2005, Plaintiff, by its attorneys, sent a letter to 20.

Defendant Target, inter alia, informing Defendant Target of Plaintiff's rights with respect to the Copyrighted Works and Registration and demanding that Defendant Target avoid any infringing activities.

- On January 18, 2005, Defendant Target informed Plaintiff that 21. Defendant Ambras supplied the Infringing Items to Defendant Target.
- On January 26, 2005, Plaintiff, by its attorneys, sent a letter to 22. Defendant Ambras, inter alia, informing Defendant Ambras of Plaintiff's rights with respect to the Copyrighted Works and Registration and demanding that Defendant Ambras avoid any infringing activities.
- Plaintiff was orally informed by Target that it would cease the 23. infringing activities.
- Despite the above, Defendants Target and Ambras have commenced 24. and continue to sell the infringing items and infringe the rights of Plaintiff.
- On information and belief, Defendant Target continues to purchase 25. Infringing Copies from Defendant Ambras and to sell the Infringing Copies.
- On information and belief, Defendants Gitanjali and Samuels have 26. purchased from Defendant Ambras Infringing Copies and continue to sell the Infringing Copies to the public, and such acts constitute infringement of the Copyrighted Works.
- The infringement of the Copyright Registration by Defendants is 27. willful.
- Defendants have offered for sale and sold and are continuing to offer 28... for sale and sell Infringing Copies which infringe the aforesaid Copyrighted Works.
 - By reason of the foregoing, Plaintiff has been injured in an amount not 29.

yet ascertained.

30. Unless enjoined by this Court, as requested below, Defendants will continue their acts of infringement, and Plaintiff will suffer irreparable injury and has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment against Defendants, and each of them, jointly and severally, as follows:

- A. For Judgment that Defendants have infringed the Copyrighted Works and that Plaintiff be awarded damages and profits as provided by 17 U.S.C. § 504(b), or in the alternative at Plaintiff's election, awarding statutory damages, as provided by 17 U.S.C. § 504(c).
 - B. For an Order enjoining and restraining Defendants from:
- a) making, using, offering for sale, selling, marketing, displaying, distributing and advertising any works infringing the Copyrighted Works,
- b) continuing the acts of copyright infringement set forth herein, and from engaging in any additional acts of copyright infringement against Plaintiff.

- Ordering Defendants to turn over to the Court or to Plaintiff, or to C. destroy within ten (10) days from the entry of any Final Judgment or Preliminary Decree entered in this action, all property in the possession of Defendants which is unlawfully created copies of Plaintiff's Copyrighted Works, all molds and models owned by Defendants used to create said infringing jewelry, any infringing product literature owned by Defendants, and all other works in the possession of Defendants that infringe Plaintiff's copyright, including an award of costs incurred by Plaintiff for the destruction of said articles.
- Awarding Plaintiff costs and expenses, including reasonable D. attorney's fees, pursuant to 17 U.S.C. § 505.
- Awarding Plaintiff such further relief as the Court deems just and E. proper.

Date: October 19, 2007

Respectfully Submitted

Jonathan Berger (#JB-1025) Peter L. Berger (#PB-0121) LEVISOHN BERGER, LLP. 61 Broadway, 32nd Floor

New York, NY 10006

Telephone: (212) 486-7272 Facsimile: (212) 486-0323

Attorneys for Plaintiff, B.I.G. Jewelry Co., LLC

Certificate of Registration for VA 825-478

Additional Certificate (17 U.S.C. 70 ertificate of Registration



This Certificate is shed under the seal of the Copyright Office in accordance with title 17 United States Code, allests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.



3354 (KING, PLNISANT, EMPLING) - DIAMOND, GOMSTONG, PENCE

holder Numbers - 814407, 614456;

· DAMIEND WING DING FORE PUBLICATION AS A CONTRIBUTION IT USES A CONTRIBUTION IT USES A CONTRIBUTION AS PARTIES OF THE PUBLIC OF THE PUBLIC

		Hadala	in a need of the t			, j 38		** *	* ÷	***	
a via Sant S	\$			recial give. Voice	11 T		air de la company		\$ \$	4 4 4	,
	Marie Sept.					ver <i>ta</i> ¥	* 1	Have Dile Y			*
	* 5	NAMEO	AUTHORY		at the second	10				ija Y	
	ä			*			TOTAL COLUMN TWO IS NOT THE OWNER.		44. K N. V		
	1,000	ollet.	iane ior	is. The	* a }			ATES OF BI	THAND DEA		
A STATE OF THE PARTY OF THE PAR				YE INC.	<i>*</i>			Hit Bon Y	You Old	•	
:		and the second	dution to the we	AUTHO	I'S WATING	A (2) (2) (1)				27 12	
ares.			mark made lock	te i de la constanta		LITY OR DONI	CILE A	ASTHIC ST			
-		. 4			ta'ai 🖢 🛂	n de la companya de l	i ii	TE WORK	THOR'S CONT	HIDUTIONTO	SKenne:
	D	<u> </u>	The same	Dea	old life IL			Chymaus) *	Mary and the Xu	THE REPORT OF LABOR.	-
===	M.,	VATUREO	Almanacus					A STATE OF THE PARTY OF THE PAR	and the same of th	O Della Mariania di Teli della Mariania	ř
				P. Check appropris	Process See !			eren mous	O'm One	PETALISMS.	
	f u		J.Dimension	H Kulpiure	O Map	isionentois.				Charles A. V.	**
	3 59	. (2. Dimension	II I Tweet	2) JW	choles) dispella		•	5 1 3 4 5 T	
	U	: 2	Remontion		C Photogra	in na				y T	

O Reproduction of work of an O'Text O Design on shoetlike material D'Architelura wor

	Sec. 16. 18. 18. 18. 18. 18. 18. 18. 18. 18. 18		3	2.5%	Charles and the second second	The state of the s	A CONTRACTOR OF THE PROPERTY O
	100 March 100 St. S.	ć ⁹ 3	2	e .	A300 00 00 00 00 00 00 00 00 00 00 00 00		TOTAL CONTRACTOR COMMANDA AND C
1 2 *	ST 20 10 10 10 10 10 10 10 10 10 10 10 10 10			and the second	**************************************	A BIRTH AND	White the state of
20 A B A B A B A B A B A B B A B B B B B	Company of the compan	3 7	as : 45c2	3	and the second second second		
The second secon	Contract of the Contract of th	* ×		<i>)</i>	3.7 (4.40)		AND THE RESERVE THE TAX TO SEE
Colored Colors States after control Colors	the second secon	200	No. 1		i itti Ban	and the second second second second	544 CONTROL OF A 1
	Control of the Contro	What is a few of the second of the	N.00 .4			A CONTRACTOR OF THE PARTY OF TH	STATE OF STA
				* * * * * * * * * * * * * * * * * * * *	2.20	The state of the s	Diagram
W. W		the barrens and the same of th	elektronistrativisteler i San San San San		4 Committee Committee	Acres Company	Total Control of the
**************************************				Codardi. £3605 18005 12.255 12. →	A STATE OF THE PARTY OF THE PAR	The second of th	CONTRACTOR AND ADDRESS OF THE PARTY OF THE P
					sa. activization	The state of the s	2 3 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
				The same of the sa	- Caller Carlot Caller Caller Caller	The second secon	the same of the sa
					at a company to the company of the c		
	Secretary Co., and Secretary Co., and the sec		The state of the s	STEEL ST	The second secon	A STATE OF THE PARTY OF THE PAR	The contract of the contract o
Per the Commission In II			the state of the s	The state of the s	3		ONTRIBUTION TO
	OA / Cit.		Mary Street Mary Mary	100 mg			
TOTAL TOTAL TOTAL TOTAL	A STATE OF THE PERSON OF THE P	STATE OF STA	2.00	The second of the second of the second	200000000000000000000000000000000000000		AND DESCRIPTION OF THE PERSON
ON.	TO SECURE THE PROPERTY OF THE	A STATE OF THE PARTY OF THE PAR	100 miles 100 mi	30 L St . 10 27 13 146			
The state of the s		Control of the Contro	The second secon	AND THE RESERVE AND ADDRESS OF THE PARTY OF			
	Company of the State of the Company		Section Sectio	The second secon	 CHICKSHIP CARSINGS 		
		ridled in b	No. 1 and 2001 (1997) 1997				
			The same of the sa	Service of the service of the service of			
	A Charles and the Control of the Con		And the second second second second	10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
Company of the Compan				STATE OF THE PARTY			to the first than the second problem, the second of the
	E I F I M	The state of the s				The second secon	
ATURE OF AUTHOR	Civie a				ARGRYTHOUS	· Ure D	No. 2 Per German

BE OF AUTHORSHIP Combapproprime boxles). See Instructions.

C 3-Dimensional sculpture OMIP . O 2-Dintensional artivors O Technical drawing

O Photograph O Reproduction of work of an O Test O Jewelry design Architectural work C Design on sheedlike maleral

date and nation of first fublication of this

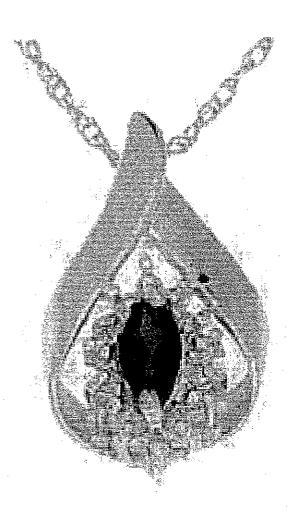
COPYRIGHT CLAIMANTIST Nume and Autom municipation eventilibe claimant it has same a ggs, 5th Floor

TRANSFER flishe (seimenest) named here in spice 4.1 facel different from the enthalist rained in 1947 Excess base sections and how the chamballs) ublaceed ownership of the copyright. Y

PAH PECEIVED TWO DEPOSITS RECEIVED & FUNDS PECEIVED

	100 TO 10					
				EXAMINED BY		
				CHECKED BY		
في ، ٠٠				<u> </u>		Ç.
PRIVIOLSE	NOT WRITE ABOVE THIS CISTRATION HER RECOGNE	LIVE IF YOU WEED	MORE SPACE, USE	A SEPARATE COUT		
The second of		And of all those being to	Voltage Comment	State benjamen ken	Decembration (Section 1)	
That is charged	APPACATION retining by Iring	ales a copyright fluids	Spirited foots	*	a de la companya de l	
A Add to Alas		Name of A	You of Legislerite		: 	
e Pittiner Suit	DAK OR COMPILATION IN INCIDENCE HOW	emplete ban spece by an or works (Sarkin spec) is	galed to be recoloring the transmission of the	t complete only or for	ropplace.	
The same of the sa						
* Sherral Adequated	barbora Gregabent gentali	Cathorne par and photocological ()	uthis ben isdel (e)).	s week lad to which cop	rnen a calmed, ▼	
***************************************		No. of the last of				to the same of the
	Titate to postate and the symbol being	Registra i IX April Accor	ni elistink dipiti Ça Armat Nontri V	yrghi Office give nama	and ocimber of Actional	
		* * *	* * * * * * * * * * * * * * * * * * *			7
	Coycancini assassimi Ebnahlmohl — P		n should include the first of the	ter Parity Line	Agis Crys Sanes Zill 🔻	
	152h Stheet					
and the second		(Petrone Number)	12] 30293			
0						
ir seprigise delecies htt el excludes againd secondage det			12			3
****		every and				
Committee of the commit	Action and that the parements well to the best of my knowledge	Contract of the contract of th				in the second se
Reiben Eb	V I chiedephiateop pives a die LALAMOSS	e of publication in space 3	do not sign and sooms	it Defore that daily Date 1	diele	
> Hand-Interalged	/Keul/	2. Elas	\mathcal{U}		The Property of the Control of the C	
			V.,	La Direction		
	ent intersection		Edishene 1.4	S Section and the section of the sec	Glato Grapo Friedric	\mathbf{y}
	<u>Lach States</u>	Sth Plons		1000	Constant Con	
The same of the sa	(K. AY 19038 Tarangan			Assessing to the second		
	2.75	And the same of	W Corre rectant			

Photograph of BI 4456, Jewelry Design Protected by Copyright Registration No. VA 825-478



Materials Mailed to the Copyright Office Regarding Application titled, "Frame With Pear Stone"

LEVISOHN BERGER LLP

61 BROADWAY

NEW YORK, NEW YORK 10006

PATENTS,
TRADEMARKS
AND COPYRIGHTS

JONATHAN BERGER

DAVID COWAN

TECHNICAL CONSTITUTE

PETER L. RERGER

JANE B. LINOWITZ

TUVIA ROTRERG

TEL: (212) 486 7272

FAX: (212) 486 0323

WEESITE: WWW.LIBL.COM

E-MAIL TO OFFICE:

PATENTOLIBL.COM

E-MAIL TO ATTORNEY:
FIRST INITIAL AND
LAST NAME OF
ATTORNEYSLELCOM

August 16, 2007

BY EXPRESS MAIL
Registrar of Copyrights
Special Handling
Copyright Receiving and Processing
PO Box 71380
Washington, D.C. 20024-1380

Re:

Special Handling Copyright Application For: Frame with Pear Stone

Our File No. 1265.012

Dear Sir/Madam;

We submit by Special Handling an application to register a copyright to a derivative work.

Applicant, B.I.G. Jewelry Co., is the owner by assignment of copyright rights and the copyright registration VA825-478 to a jewelry design as depicted in Exhibit A. Exhibit A comprises a jewelry frame and a marquise shaped stone.

In 2004 Ari Tannenbaum substituted a pear shaped stone for the marquise stone of B.I.G. as shown in Exhibit B attached hereto.

While we believe that there may be no authorship in substituting the pear shaped stone for the marquise stone in the frame, B.I.G. is filing this copyright application for this derivative work. B.I.G. understands that the Copyright Office may refuse to register this since the substitution of a pear shaped stone for a marquise stone may not

Respectfully submitted, LEVISOHN BERGER/LLP

Peter L. Berger

PLB:wr Enclosures

request for special handling

FOR SPECIAL HANDLING REQUESTS ONLY MAIL TO: Special Handling - Copyright Receiving and Processing - PO Box 71380, Washington, D.C. 20024-1380

SPECIAL HANDLING IS NOT FOR CONVENIENCE ONLY I

NOTE: The special handling of a registration application or other fee service severely disrupts entire registration process and workflow of the Copyright Office. It is granted only in the most urgent of cases. A request for special handling is subject to the approval of the Chief of the Receiving and Processing Division, who takes into account the workload situation of the office a the time the request is made. A minimum period of five working days is required to process a registration application under special handling procedures.

	Why is there an unant
	Why is there an urgent need for special handling?
	x Litigation
	☐Customs Matter ☐Other, Specify
4	If you must have the requested action to go forward with the litigation, please answer the following questions.
Uniess ali blanks are	a Is the litigation actual or prospective? Prospective
completed your	b. Are you (or your client) the plaintiff or defendant in the action? Please specify. Plaintiff
request <u>cännot</u> be processed.	c. What are the names of the parties and what is the name of the court where the action is pending or expected? Parties: Plaintiff - B.I.G Jewelry Co., Defendant - Target; Court where action is expected: US District Court - Southern District- New York.
	(Signature)

	(Address)		
	(Phone)		
FOR COPYRIGHT OFFICE USE ONLY	Information Specialist handling matter		(Oats)
	remarks	hi dha kuriyan q washaqqara ka ayarana kuriyana dallay u kabaqara iy e saq	والمرافقة والمرا

Filed 10/26/2007 Page 17 of 23

Document 7

C-2 August 1987 - 1,000*

Case 1:07-cv-08245-NRB

Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000.

0	Form VA
	For a Work of the Visital Acts
•	UNITED STATES COPYRIGHT OFFICE

	ine an <i>www.copyngm.gov</i> , whie nie Copy. Office, or call (202) 707-8000.	,		REGISTRATION RUMBER	
ugu	chiles, or can (roc) to room				
•				. VA	VAU
				EFFECTIVE DATE OF RE	EGISTRATION ,
	*				
				Month	Day Year
		9,11	e sein ge		
	as as as as as a second of the			· ·	?
		ED MORE SPACE,			A. W. C.
a46	Title of This Work Y		* ***	FTHIS WORK Y Seel	nsiderons
	FRAME WITH PEAR STONE		,	ewelry Pendant	
24	Previous or Alternative Titles V	Marine and the second s			
			* *		
	Publication as a Contribution If this work was published contribution appeared Title of Collective Work V	as a contribution to a per	riodical serial er collection,	give information about the ex	illeerive work in which tho
	connected by the contract contract as well a				
	If published in a periodical or serial gives Volume V	Number V	Listic Date 1	Où Pago	The second secon
•					
<i>3</i> 20	NAME OF AUTHOR 🔻		DA:	TES OF BIRTH AND I	DEATH Died ▼
	BIG fewelry Co	3. 4.			6
likan '	Was this contribution to the work a Author's National Name of County	ity or Doniella	Was	'This Author's Contrib	ution to the Work
MOTE		New York	Anod		TNo If the answer to either of these questions is No. "Yes" see detailed
INGS the law,	IN Yes OR Lizzen of CI No Domiciled in	New York		banymous? 🛛 Yes 🕏	No testinations
he 'author' of work made	Nature of Authorship Check appropriate box(ex) See Instr	intinne 8. 3	14.36	Sec. 3	* *** * * * * * * * * * * * * * * * *
or hire" is renerally the	☐ 3 Dimensional sculpture ☐ Ma		[] Ichnical drawing		er er i
mployer, not se employee		(ožistý)	O lext	:	
res Instruc- ons), For any ort of this	☐ Reproduction of work of ant Zilew	chy design	Architectural work		
ork that was race for hirs'		<u> </u>	- 12 Table	th and Death	
leck Yes is a	Name of Author 🔻		Year E		ed 🔻
apace visted, giva employer	Ari Tannenbaum	Married Company of the Party of	gen instituti		
coloer registor	Was this contribution to the work a Author's Nationality Name of County The	or Domicile	Was I	his Anthor's Contribut con! II Yes II N	on to the Work Liberson Floriber Office operations is
on the work prepared) "Author of	OR Chizen of	New York	- 124	Amones D. Ace Q. M.	
part, and	M 260 Destidied in			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
ce for dates	Nature of Authorship Check appropriate bested See instruction of Authorship Check appropriate best and the continue of Ma	MORS	Technical drawing		
th blank		tograph T		£ 25° ;	
.*	17 Deminduation of most of art 1 20 Letter	liydesim, μΩ	Architectural work:	1 2	in the same of the
an apreside a	L Deployment of Francis at			• • • • • • • • • • • • • • • • • • •	15 52 47 57 5 6 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
	Coar in Which Counting of This Work Was Date and	d Nation of First Public	eation of This Particular IV	ork 15 . vii	2004
a	completed This biformation is Completed must be glown ONLY if the bear to all cares. This bear has been	e this information Mo first scrit published U	SASSAS SASSAS		Nego
	OPYRIGHT (C. AIMANT(S) (tame and address must be given a	St. Company		LICATION RECEIVE	
	ther given in space 2.	were the production to the			San and the san an
F	LG Jewelry Co.			EDEPOSIT RECEIVED	
niclions	15 West 30th Street, New York, New York 10001	**	- 100	DEPOSITS RECEIVE	ED THE SECTION OF THE
oncleary	ansfer If the claimant(s) pained here in space 4 is (suc) different from	heanfor(d) most in s	Tare 2 rives EB	3 32 32 32.	
	f salement of now in claimants) obtained ownership of the copyright			DS RECEIVED . ,	
	Take 1	1 Mar. 1 Apr. 2 1 Mar. 1 Apr. 2 2 Mar. 2 Mar. 2 Mar. 2		*	3 a ₁ × *

				EXAMINED BY	•	FORM V
.,	#	•		CHECKED BY	A armin malifilità debuga alijar raspura	
			e e	CORRESPONDENCE Yes	(FOR - COPYRIGH OFFICE USE
· ·	તાર્જીકર ^થ ે હતી. 	1 N. 11 P. 12 P. 1				ONLY
		obe were the state of the second state of the		SE A SEPARATE CONTINUATION SHE	EI:	
	DO NOT WRITE ABOV	ETHIS LINE. IF YOU N	EED MUHE SPACE, U	SE A SEPARATE CONTINUATION SHE decay been made in the Copyright Office?		/ S215
PREVIOUS	REGISTRATION Energy Llyouransweris "Yes why	is another registration being so	earner version of no. work. ught? (Check appropriate box	Y		
a. [] This is the b. [] Ithis is the	: First published calties of a wo	ak previously icolatered in imp this suither as suppright claimai shown by space 6 on this applic	blished form		:	3
e M This is a c	hanged version of the work at Yes," givet Previous Registe	диони ву зрасе и на паз груго гайов Китбет 🔻	Year of Registratio	n♥ 1996	•	•
		VA823-4	78			
DERIVATIV	B WORK OR COMPILA Laterial Identify any pressistin	TION Complete both space 6 ig work or works that this work	a and 6b for a dizivative wor is based on or incorporates	complete only 66 for a compilation		
		nising gold frame and	20), 11			
See photo	Of leactly restricted	414145 SAM TIMES A				instructions
		·		The state of the s		re completing space
ts Material Adde See photo	d to This Work Gives bild of derivative jewelty.	general statement of the maticial item comprising same	d that has been added to the gold frame but subs	sor and in which copyright is claimed * if thing pear shaped stone for marqu	ise stone b	
				gright Office, give name and number of Account		
DEPOSIT ACC	OUNT if the registration for	is to be charged to a Doposit A	received extablished in the Cot	Argent Office Base name and unmost or wowen		#
** Xurun W			Account Number		el	
Nome 🔻	* * * * * * * * * * * * * * * * * * *		Account Number			1
Nome V	and construction and a majoration are an appearance entered assess a second assess.	pour a-stand a cond a stan standard point supply system of first two conditions and	Account Number			1
Come v	A CONTRACTOR OF THE PROPERTY O	ent in war de s'est e sea sectionale des settings e sens after the section of the	antification of a security and a security of the security of t		<u>a</u>	1
Nome V	ENCE Give name and address	s to which correspondence about	at this application should be s	ent Name/Address/Apt/City/State/Sp V	a	
Nome V	ENCE Give name and address	s to which correspondence about	at this application should be s		a	,
CORRESPOND Peter L Berg Levisohn Ber	ENCE Give nome and address or, Esq. ger LLP, 61 Broadwa	y to which correspondence above, 32nd Floor, New Y	at this application should be s	ém Name/Address/Apt/City/State/Op ▼	a	,
CORRESPOND Peter L Berg Levisohn Ber	ENCE Give name and addresser, Esq. ger LLP, 61 Broadwa	s to which correspondence about	at this application should be s		a	•
CORRESPOND Peter L Berg Levisohn Ber	ENCE Give nome and address or, Esq. ger LLP, 61 Broadwa	y to which correspondence above, 32nd Floor, New Y	at this application should be s	ém Name/Address/Apt/City/State/Op ▼	3	
CORRESPOND Peter L Berg Levisohn Ber	ENCE Give name and address or, Esq. ger ILP, 61 Broadwa stelephone number (212) @ILBL com	y, 32nd Floor, New Y	at this application should be s	ém Name/Address/Apt/City/State/Op ▼		
CORRESPOND Peter L Berg Levisohn Ber es code and daylant mail photogram ERTIFICATION	ENCE Give name and address et, Esq. ger LLP, 61 Broadwa stelephone number (212 @11BL com	y, 32nd Floor, New Y	ork, NY 10006	ent Name/Address/Apt/City/State/Op V		
CORRESPOND Peter L Berg Levisohn Ber	ENCE Give name and address et, Esq. ger LLP, 61 Broadwa stelephone number (212 @11BL com	y, 32nd Floor, New Y 486-7272 ext. 302	ork, NY 10006	ent Name/Address/Apt/City/State/Zp V Fait number (212)486-0323	3	
CORRESPOND Peter L Berg Levisohn Ber es code and daylant mail photogram ERTIFICATION	ENCE Give name and address et, Esq. ger LLP, 61 Broadwa stelephone number (212 @11BL com	by centry that I am the	ork, NY 10006	ent Name/Address/Apt/City/State/Zp V Fair number (212) 486-0323 if claimant usive right(s).		
CORRESPOND Peter L Berg Levisohn Ber er code and daysing men photogen	ENCE Give name and address or, Esq. ger I.I.P, 61 Broadwa violephone number (212 @II.BL com	y, 32nd Floor, New Y 486-7272 ext. 302 by centify that I am the	ork, NY 10006 Cauthor Cother copyrig	Fair number (212) 486-0323 It claimant usive defauls. B.T.G. Jewelry Co.		
CORRESPOND Peter L Berg Levisohn Ber er code and dayfini mail photogram FRTIFICATION	ENCE Give some and address on, Esq. ger ILP, 61 Broadwa stelephone number (212) GILBL com	y, 32nd Floor, New Y 486-7272 ext. 302 by centify that I am the check only one	ork, NY 10006 Onk, NY 10006 One copyright of the copyri	Fax mumber (212) 486-0323 It distorant usive dight(s) Name of author or their copyright delined or overer cet to the best of my knowledge		
CORRESPOND Peter L Berg Levisohn Ber rei code and daysing men phengen FRTIFICATION	ENCE Give name and address of Esq. ger LLP, 61 Broadwa stelephone number (212 @11 BL com	y, 32nd Floor, New Y 486-7272 ext. 302 by centify that I am the check only one	ork, NY 10006 Onk, NY 10006 One copyright of the copyri	Fax runiber (212) 486-0323 It chalmant usive elegates B.F.G. Jewelry Co. Name of author or other express delarges or owner city in the best of my knowledge and subject it before that date		
CORRESPOND Peter L Berg Levisohn Ber er code and dayfini mail photogram FRTIFICATION	ENCE Give name and address of Esq. ger LLP, 61 Broadwa stelephone number (212 @11 BL com	y, 32nd Floor, New Y 486-7272 ext. 302 by centify that I am the check only one	ork, NY 10006 Onk, NY 10006 One copyright of the copyri	Fax mumber (212) 486-0323 It distorant usive dight(s) Name of author or their copyright delined or overer cet to the best of my knowledge		
CORRESPOND Peter L Berg Levisohn Ber er code and depant mail phetgen ERTIFICATION ha work identified red or printed rex suben Borghin	ENCE Give name and address of Esq. ger LLP, 61 Broadwa stelephone number (212 @11 BL com	y, 32nd Floor, New Y 486-7272 ext. 302 by centify that I am the check only one	ork, NY 10006 Onk, NY 10006 One copyright of the copyri	Fax runiber (212) 486-0323 It chalmant usive elegates B.F.G. Jewelry Co. Name of author or other express delarges or owner city in the best of my knowledge and subject it before that date	of sources mixed as	
CORRESPOND Peter L Berg Levisohn Ber er code and depant mail phetgen ERTIFICATION ha work identified red or printed rex suben Borghin	ENCE Give name and address or, Esq. ger ILP, 61 Broadwa stelephone number (212 @11BL com The undersigned here the undersigned here the undersigned here the this application and that as and date V If this applica- tion	y, 32nd Floor, New Y 486-7272 ext. 302 by centify that I am the check only one	ork, NY 10006 Onk, NY 10006 One copyright of the copyri	Fax riumber (212) 486-0323 his claitmant using a global of country to the bash of any knowledge and subject in before that date Date 26/15/6		
CORRESPOND Peter L Berg Levisohn Ber er code and depant mail phetgen ERTIFICATION ha work identified red or printed rex suben Borghin	ENCE Give name and address or, Esq. ger ILP, 61 Broadwa stelephone number (212 @11BL com The undersigned here the undersigned here the undersigned here the this application and that as and date V If this applica- tion	y, 32nd Floor, New Y 486-7272 ext. 302 by centify that I am the check only one	ork, NY 10006 Onk, NY 10006 One copyright of the copyri	Fex mumber (212) 486-0323 The claterant usive eight(s) B.I.G. Jewelty Co. Name of author or cher copyright clahead or overer cet to the best of my knowledge and subprint it before that date Data S/ 5/C	of consistent materials	
CORRESPOND Peter L Berg Levisohn Ber er code and daylor mail phetgen partication for printed rear made printed rear many	ENCE Give name and address or, Esq. ger ILP, 61 Broadwa stelephone number (212 @ILBL com The undersigned here the undersigned here the and date V if this applica- loff The complete (2) (1)	a to which correspondence above, 32nd Floor, New Y 486-7272 ext. 302 by centry that I am the check only one the statements made by incoming the statements and a by incoming the statement and a by incoming the st	ork, NY 10006 Cork, NY 10006 Cork, NY 10006 Cork of the copyright of th	ent Name/Address/Apt/City/State/Zp V Fair number (212)486-0323 hit claimant usive right(s) ent of B.I.G. Jewelry Co. None of author er other oppriorit claimant or owner act to the best of my knowledge and subject it before that date Date 2/3/6 Our pelles at necessary Sign You appreciator is a	of constants in Mod A	
CORRESPOND Peter L Berg Levisohn Ber es code and dayant men photogen ERTIFICATION Handwift Handwift Handwift Handwift None Peter	ENCE Give name and address or, Esq. ger ILP, 61 Broadwa stelephone number (212 @11BL com The undersigned here the undersigned here the undersigned here the this application and that as and date V If this applica- tion	a to which correspondence above, 32nd Floor, New Y 486-7272 ext. 302 by centry that I am the check only one the statements made by incoming the statements and a by incoming the statement and a by incoming the st	ork, NY 10006 Cork, NY 10006 Cork, NY 10006 Cork of the copyright of th	ent Name/Address/Apt/City/State/Zp V Fax number (212)486-0323 bit claimant usive eight(s) ent of BIG Jewelty Co. None of author or other copyright claimand or ourse ect to the best of my knowledge and subject it before that date Data SALEANESSE Compiles at necessary Spanish application is SaleApt Address to SaleAp	of smaller mixed a	
CORRESPOND Peter L Berg Levisohn Ber es code and dayford mail photogram FRITTICATION Handwrite Handwrite Handwrite Warne ifficate Name Office Office Name Office Name Office Office Name Office Name Office Office Name Office Office Office Name Office Office Office Name Office Office Office Office Name Office Offi	ENCE Give name and address or, Esq. ger ILP, 61 Broadwa stelephone number (212 @ILBL com The undersigned here the undersigned here the and date V if this applica- loff The complete (2) (1)	a to which correspondence above, 32nd Floor, New Y 486-7272 ext. 302 by certify that I am the check only one the statements made by me aften gives a date of publicat	ork, NY 10006 Cork, NY 10006 Cork, NY 10006 Cork of the copyright of th	Fax number (212) 486-0323 Fax number (212) 486-0323 by claterant usive dight(s). BIG. Jewelty Co. Name of author as cher copylight clahead or owner act of the best of my knowledge and subjust it before that date Date S//5/C Complete at necessary and subjust of the best of the best of my knowledge To the best of the best	of smaller mixed a	
CORRESPOND Peter L Berg Levisohn Ber est code and dayson mail photogen ERTIFICATION Franchised nare unben Borahum Handwiftle Wanne ed in ow ow oppo	ENCE Give rome and address on, Esq. ger LLP, 61 Broadway telephone number (212) @ILBL com In this application and that as and date V if this application of the company of	a to which correspondence above, 32nd Floor, New Y 486-7272 ext. 302 by certify that I am the check only one the statements made by me aften gives a date of publicat	ork, NY 10006 Cork, NY 10006 Cork, NY 10006 Cork of the copyright of th	ent Name/Address/Apt/City/State/Zp V Fax rumber (212)486-0323 hit claimant usive right(s) ent of B.I.G. Jewelry Co. None of author or cher upprint claimant or overer ect to the best of my knowledge and subjett it before that date Date VOULUST Complete at new account Sind All Sind And All Approximate allowed the coder payeds at the state of a coder payed at the state o	of consider mixed	
CORRESPOND Peter L Berg Levisohn Ber es code and dayfin mell phetger extra code and dayfin mell phetger extra code and dayfin mell phetger extra code and dayfin Handwrite Handwrite Peter d in ow Name op op of I Bi sess: Caysa	ENCE Give reme and address on, Esq. ger LLP, 61 Broadwa stelephone number (212 @ILBL com In this application and that see and date vif this application off I Serger, Esq. co Levelsteen and that Berger, Esq. co Levelsteen and that see and date vif this application.	a to which correspondence above, 32nd Floor, New Y 486-7272 ext. 302 by certify that I am the check only one the statements made by me aften gives a date of publicat	ork, NY 10006 Cork, NY 10006 Cork, NY 10006 Cork of the copyright of th	ent Name/Address/Apt/City/State/Zp V Fax rumber (212)486-0323 hit claimant usive right(s) ent of BIG Jewelry Co. None of author or cher upprint claimant or ceres ect to the best of my knowledge and subject it before that date Date SASSAN STATES ALL PARTY FOR PRINTED ALL PARTY 2 None states and subject of action approaches at the season of the se		







EXHIBIT A

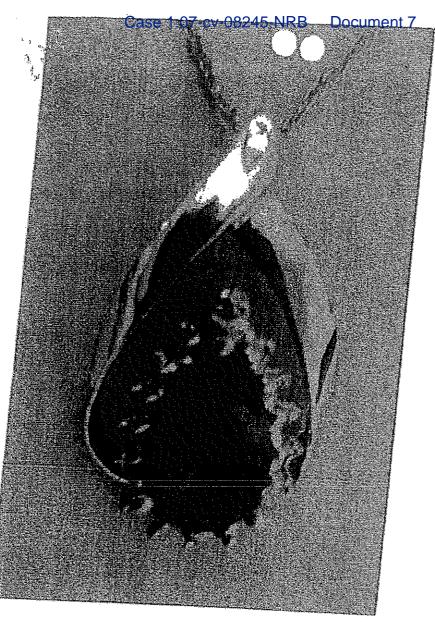


EXHIBIT B FRAME WITH PEAR STONE

Letter From Copyright Office Regarding Application titled, "Frame With Pear Stone"

-COPYRIGHT OFFICE

RB/rc-c

August 23, 2007



LEVISOHN BERGER LLP ATTN: PETER L BERGER 61 BROADWAY 32ND FLOOR NEW YORK NY 10006

Control Number: 61-503-265 (L)
Re: "Frame with Pear Stone"
Copyright Claimant: B.I.G. Jewelry Co
Your File No: 1265.012

LIBRARY OF CONGRESS

Dear Mr. Berger:

According to space 6 of your application, this claim is based on new material added to preexisting elements. We cannot register this claim because the new material does not contain a sufficient amount of original authorship.

To be protected by copyright, a work must contain original literary, artistic, or musical expression. If a work contains previously registered, previously published, or public domain material, the copyright in the revised version covers only the additions or changes appearing for the first time. If a work contains only minor revisions or additions, or consists only of new material not protected by copyright, registration is not possible.

Examples of material not protected by copyright include names, titles, short phrases, familiar shapes and symbols, typography, layout, format, or a mere change of size or coloring

Because there is no basis for registration, we are closing your file without further action. The nonrefundable filing fee has been applied to administrative costs.

Sincerely,
Rebecca Barker, Examiner
Visual Arts Section
By: Q

Enclosures:

Cirs. 14, 31, 34, 96 Sec. 202.1 SL-4a (Reconsideration Procedure)

Washington D.C. 20559-6000